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Filing date: **05/23/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|-------------------------------|--|
| Proceeding | 91160515 |
| Party | Defendant Bugatti International S.A. Bugatti International S.A. 8 - 10, rue Mathias Hardt LUX Luxembourg, 1717 |
| Correspondence Address | SUSAN B. FLOHR BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. Washington, DC 20037 flohr@blankrome.com |
| Submission | Motion to Suspend for Civil Action |
| Filer's Name | Susan B. Flohr |
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| Signature | /SBF/ |
| Date | 05/23/2005 |
| Attachments | MOTION to Suspend.tif (39 pages) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposition No. 91160515
In re App Serial No. 7817647- EB BUGATTI & Design

Bugatti, Inc.,)
) Opposer.)
v.)
Bugatti International, S.A.)
) Applicant.)

Opposition No. 91160515

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION TO SUSPEND OPPOSITION PROCEEDING


Bugatti International, S.A., Applicant in the above-entitled action, by and through its attorneys, respectfully requests that the Trademark Trial and Appeal Board suspend the instant opposition proceeding pending the resolution and final determination of Civil Action No. 05-11067 PBS, docketed as Volkswagen AG, Volkswagen of America, Inc. and Bugatti International, S.A. v. The Bugatti, Inc., which was filed today in the United States District Court for the District of Massachusetts and which may be dispositive of this matter, T.B.M.P. § 510.02(a).

Respectfully submitted,

BUGATTI INTERNATIONAL, S.A.

Dated: May 23, 2005

BLANK ROME LLP
600 New Hampshire Avenue, NW
Washington, DC 20037
(202) 772-5870
(202) 572-1407



Susan B. Flohr
Michael D. White
Attorneys for Applicant

CERTIFICATE OF SERVICE

The Undersigned, hereby certifies that on the 23rd day of May, 2005, she caused a copy of the foregoing MOTION TO SUSPEND OPPOSITION PROCEEDING to be served via facsimile and by first class mail on:

JOHN J. ARADO, ESQ.
WILDMAN, HARROLD, ALLEN & DIXON LLP
225 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60606-1229



Tami DeVitis

FILE COPY

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

VOLKSWAGEN AG, VOLKSWAGEN OF AMERICA, INC. AND BUGATTI, INTERNATIONAL, S.A.

(b) County of Residence of First Listed Plaintiff Wolfsburg, Germany (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

David A. Brown (556161) Margaret H. Paget (567679) SHERIN AND LODGEN LLP, 101 Federal Street, Boston, MA 02110 617.646.2000

DEFENDANTS

THE BUGATTI, INC. MAY 23 A 10:57

County of Residence of First Listed Defendant Suffolk County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

05 11067 PBS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF DEF 1 1 Incorporated or Principal Place of Business In This State
Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. sections 1114, 1117 and 1125

Brief description of cause: Defendant has used the trademarks of the plaintiffs without authority in violation of the Lanham Act.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 75,000.00 + and injunctive relief CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE

5/23/05

SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of David A. Brown

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE

1. Title of case (name of first party on each side only) Volkswagen AG et al. v. The Bugatti, Inc.
2005 MAY 23 A 10 57

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
U.S. DISTRICT COURT
DISTRICT OF MASS.

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 510, 620, 630, 640, 650, 680, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

05-11067 PBS

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
YES NO

- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division Central Division Western Division
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES NO

(PLEASE TYPE OR PRINT)
ATTORNEY'S NAME David A. Brown (556161), Margaret H. Paget (567679)
ADDRESS Sherin and Lodgen LLP, 101 Federal Street, Boston MA 02110
TELEPHONE NO. 617-646-2000

(CategoryForm.wpd - 5/2/05)



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